

ePlus reserves the right to rely upon any additional documents obtained through further discovery and investigation, and any documents identified by the defendants.

C. COMPUTATION OF DAMAGES

ePlus has incurred economic harm as a result of defendants' infringement of the patents-in-suit. Pursuant to 35 U.S.C. § 283, ePlus seeks injunctive relief from defendants' continued infringement of the patents-in-suit. In addition, pursuant to 35 U.S.C. § 284, ePlus seeks damages adequate to compensate it for defendants' infringement of the asserted patents-in-suit in the form of at least a reasonable royalty to compensate ePlus for defendants' patent infringement, together with pre- and post-judgment interest and costs as fixed by the Court. ePlus will also seek increased damages based upon defendants' willful infringement of the patents-in-suit. ePlus also seeks attorneys fees pursuant to 35 U.S.C. § 285 or other applicable law.

As to the calculation of the amount of damages to which ePlus is entitled, it is difficult at this time for ePlus to make any computation of damages based upon either reasonable royalty or other additional awards absent further discovery and disclosures by the defendants. However, ePlus is in the process of retaining experts to help form a more definite damages computation. ePlus reserves the right to modify its damages theories and calculations or to seek damages under different theories as appropriate in view of information to be discovered in this case and in view of further anticipated expert opinions on the subject of damages.

D. INSURANCE AGREEMENTS

ePlus is not aware of any insurance agreements pertinent to this litigation.

ePLUS, INC.

Date: August 11, 2009



Gregory N. Stillman (VSB #14308)

Brent I. VanNorman (VSB #45956)

HUNTON & WILLIAMS LLP

500 East Main Street

Suite 1000

Norfolk, VA 23510

Telephone: (757) 640-5300

Facsimile: (757) 625-7720

gstillman@hunton.com

bvannorman@hunton.com

Scott L. Robertson (*admitted pro hac vice*)

Jennifer A. Albert (*admitted pro hac vice*)

David M. Young (VSB #35997)

Robert D. Spendlove (VSB #75468)

GOODWIN PROCTER LLP

901 New York Avenue, N.W.

Washington, DC 20001

Telephone: (202) 346-4000

Facsimile: (202) 346-4444

srobertson@goodwinprocter.com

jalbert@goodwinprocter.com

dyoung@goodwinprocter.com

rspendlove@goodwinprocter.com

James D. Clements (*admitted pro hac vice*)

GOODWIN PROCTER LLP

Exchange Place

53 State Street

Boston, MA 02109-2881

Telephone: (617) 570-1000

Facsimile: (617) 523-1231

jclements@goodwinprocter.com

Attorneys for Plaintiff ePlus, Inc.